

Remarks

This is in response to the Office Action dated May 3, 2005.

Claims 1-6 and 8-9 were rejected as being either anticipated by or obvious over Rudolph (USP 5265595); and claims 10 and 12 were rejected as being obvious over the combination of Rudolph and Kaimer (USP 5143061).

Per the above amendment, claims 1, 3 and 4 have been amended and claims 13-15 added. The now pending claims are believed to clearly distinguish over Rudolph (USP 5265595).

In particular, the amended claims make it clear that the central opening extends across the width of the mouth and that the closure is a transparent window removably secured in the opening. This is different from what is described by Rudolph.


The Rudolph mask has a circular opening 50 connected to an airflow tubing assembly 6 by means of an annular connecting member 65. There is no disclosure of an opening extending across the mouth or of any transparent window.

The arrangement of the present invention has the advantage of enabling ready access to the mouth when the closure is not in place and also of allowing the region of the mouth to be seen through the closure when it is in place. It can be very important in clinical situations to be able to monitor the mouth region, such as to detect any bleeding or vomiting. With the Rudolph mask it would be more difficult to detect any such bleeding or vomiting so it would be less suitable for use in critical care situations. Indeed, the Rudolph mask is described as being for use in measurements of respiration and metabolism rather than in patient ventilation applications.

The Kaimer citation discloses a mask with an adhesive seal around its edge but is not relevant to the amended independent claims in that it does not teach a mask with an opening closed by a removable closure.

In view of the foregoing, it is respectfully submitted that the instant invention is patentable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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